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10/530,272	04/05/2005	Tetsuji Fuchikami	2005-0372A	3060
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ANDRAMUNO, FRANKLIN S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,272

Applicant(s)

FUCHIKAMI ET AL.

Examiner

FRANKLIN S. ANDRAMUNO

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 8-11, and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-11, and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/08 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al (US 6,769,128 B1) in view of Hendricks et al (US 7,134,131 B1) in view of Strubbe (US 2003/0128187 A1). Hereinafter referred as Knee, Hendricks, and Strubbe.

Regarding claim 1, Knee discloses a remote control apparatus that wirelessly communicates with a program selecting apparatus (**Figures 3 and 4**) which stores

therein pieces of reception information each of which is required for reception of a corresponding one of a plurality of programs (**column 1 lines 27-30**), displays a program table (**figure 8**), and in response to a signal transmitted from the remote control apparatus (**Figure 4**), either selects one of the plurality of programs or transmits one of the pieces of reception information that corresponds to a selected one of the programs (**Figure 9**), the remote control apparatus comprising: a recording medium; an operation receiving unit operable to receive a user operation from a user; a selecting unit operable to transmit a selective signal for selecting one of the programs according to the user operation to the program selecting apparatus (**Figure 6**); a requesting unit operable to (**Preference Menu in figure 7**), when a first user operation has been received, transmit, to the program selecting apparatus (**figure 10**), a signal for requesting a piece of reception information that corresponds to the selected program (**Column 6 lines 29-38**); a reception information receiving unit operable to receive and record, onto the recording medium (**column 23 lines 8-10**), the piece of reception information transmitted from the program selecting apparatus; and a forwarding unit operable to transmit, after a second user operation has been received, the piece of reception information recorded on the recording medium (**column 23 lines 15-20**).

However, Knee fails to disclose the use of a reception information, capable of receive, select, and forward each and every choice of broadcasting data. Hendricks teaches in **figure 11** of a scheduling website and a network controller. This also shows the use of an authorization system capable of receiving and forwarding the requested broadcasting programming desired.

Therefore, it would have been obvious at the time of the invention to include the use of a device to receive, select and forward the desired data. This is a useful combination in a network because information is easily transferred.

However, Knee and Hendricks fail to disclose a detection of the user pushing the operational button as a first user operation having been received and regards a detection of the operational button becoming released after the detection of the user pushing the operational button as a second user operation having been received. Strubbe discloses on **(page 3 paragraph (0029))** if the activated button is released by the user, the release of the button (4) is immediately noticed by the IR receiver of the control system (22). This shows how a user pushing a button sets an operational state for controlling a secondary device. Moreover, Strubbe also teaches an informing unit operable to, when the piece of reception information is recorded onto said recording medium by the reception information receiving unit, inform the user that the operation button is allowed to be released **(page 4 paragraph (0033) lines 24-28)**. In order to cease an application from running, the invention uses a release button to control the apparatus.

Therefore, it would have been obvious at the time of the invention to include the use of an operational pushing button. This is a useful combination because the system is capable of programming a remote control to set a recording in a STB.

Regarding claim 3, Knee discloses the remote control apparatus of claim 1, wherein the transmitting unit performs each of the transmissions by transmitting an infrared ray **(Column 12 lines 14-16)**.

Regarding claim 4, Knee discloses the remote control apparatus of claim 1, wherein the forwarding unit transmits the piece of reception information recorded on the recording medium to a program recording apparatus that is operable to, when having received a piece of reception information **(column 23 lines 8-10)**, receive and record a program that corresponds to the piece of reception information, the remote control apparatus further comprises a signal format storing unit that pre-stores therein signal format information which indicates **(column 12 lines 23-27)**, in correspondence with pieces of identification information for identifying a plurality of types of program recording apparatuses **(column 26 lines 10-12)**, a plurality of remote control signal formats which are to be used for a purpose of presetting recording of each program and which the plurality of types of program recording apparatuses are capable of receiving respectively **(column 12 lines 27-30)**, and the forwarding unit includes: an identification information obtaining unit operable to, when the second user operation has been received, transmit, via the transmitting unit, to the program recording apparatus to which the piece of reception information is to be transmitted, a signal for requesting a piece of identification information that identifies a type of the program recording apparatus **(column 30 lines 26-29)**, and to subsequently receive the piece of identification information from the program recording apparatus; a signal format specifying unit operable to specify a remote control signal format that corresponds to the type of

program recording apparatus identified with the received piece of identification information (**Column 29 lines 61-64**), based on the signal format information; and an organizing unit operable to organize the piece of reception information so as to be in the specified remote control signal format and transmit the organized piece of reception information to the program recording apparatus (**column 33 lines 35-40**).

Regarding claim 5, Hendricks discloses the remote control apparatus of claim 4, wherein the program selecting apparatus receives and stores therein, for each of programs scheduled to be broadcasted (**Scheduling website in figure 11**), a piece of reception information broadcasted and a piece of program related information broadcasted and made up of items related to the program (**Authorization system (179) in figure 11**), and transmits a piece of program related information that corresponds to the selected program in addition to the piece of reception information (**Set top Terminal (220 in figure 11)**, the remote control apparatus further includes a utilized item information storing unit that stores therein utilized item information which indicates (**Figure 7**), in correspondence with the pieces of identification information, one or more of the items which are within the pieces of program related information and can be utilized by each of the types of program recording apparatuses (**Authorization (236) in figure 6c**), the forwarding unit includes a utilized item specifying unit operable to specify one or more of the items within the pieces of program related information which can be utilized by the type of program recording apparatus identified with the received piece of identification information (**Signal reception (234) in figure 6b**), based on the utilized item information, and the organizing unit extracts the one or more specified items out of

pieces program related information recorded on the recording medium, organizes the extracted items and the piece of reception information so as to be in the specified remote control signal format, and transmits the organized items and piece of reception information to the program recording apparatus (**Cable Distribution Network (210) in figure 6b**)

Regarding claim 8, Hendricks discloses the remote control apparatus of claim 1, wherein every time the first user operation has been received, the requesting unit transmits, to the program selecting apparatus (**Scheduling Website in figure 12**), the signal for requesting a piece of reception information that corresponds to a selected program, the reception information receiving unit receives and records, onto the recording medium (**Modem (173) in figure 12**), pieces of reception information that correspond to selected programs respectively and have been transmitted from the program selecting apparatus (**Network Management in figure 6C**), and every time the second user operation has been received, the forwarding unit transmits one of the pieces of reception information recorded on the recording medium (**Record in figure 7**).

Regarding claim 9, Hendricks discloses the remote control apparatus of claim 8, wherein the remote control apparatus further includes a recorded information displaying unit operable to display part or all of each of the pieces of reception information recorded on the recording medium (**Record in figure 7**) in such a manner to be grouped in units of programs and arranged in a predetermined order, and every time the second user operation has been received (**Command Interface (168) in figure 3**), the

forwarding unit selects and transmits one of the pieces of reception information, according to the predetermined order (**transmitter (169) in figure 3**).

Regarding claim 10, Hendricks discloses the remote control apparatus of claim 8, wherein the remote control apparatus further includes: an option displaying unit operable to display part or all of each of the pieces of reception information recorded on the recording medium as options for selecting one or more of the programs (**Record in figure 7**); and a selection receiving unit operable to receive a selection of one of the options by the user (**Processor (161) in figure 3**), and the forwarding unit transmits one of the pieces of reception information that corresponds to the selection that has been received by the selection receiving unit most recently when the second user operation has been received (**Receiver Module (165) in figure 3**).

2. Claims 11, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (US 7,134,131 B1) in view of Strubbe (US 2003/0128187 A1). Hereinafter referred as Hendricks and Strubbe.

Regarding claims 11, 14-15, Hendricks discloses a program receiving system that includes a program selecting apparatus, a remote control apparatus, and a plurality of receiving apparatuses, wherein the program selecting apparatus includes (**Background Graphics File in figure 18a**): a reception storing unit operable to receive and store therein pieces of reception information each of which is broadcasted and is required for reception of a corresponding one of a plurality of programs (**Memory Files**

in **figure 18a**); a program table displaying unit operable to display a program table based on the received pieces of reception information (**figure 8**); a program selecting unit operable to, when having received from the remote control apparatus, a selective signal for selecting one of the programs, select the one of the programs from the program table according to the selective signal (**Figure 15c**); and a reception information transmitting unit operable to, when having received a request signal for requesting a piece of reception information from the remote control apparatus (**Transmitter (169) in figure 3**), transmit a piece of reception information that corresponds to the selected program to the remote control apparatus, the remote control apparatus includes: a recoding medium; an operation receiving unit operable to receive a user operation from a user (**remote (900) in figure 4b**); a selecting unit operable to wirelessly transmit, to the program selecting apparatus, the selective signal for selecting the program according to the user operation; a requesting unit operable to, when a first user operation has been received, wirelessly transmit, to the program selecting apparatus (**wireless remote in figure 4b**), the request signal for requesting the piece of reception information that corresponds to the selected program; a reception information receiving unit operable to receive and record, onto the recording medium (**record in figure 7**), the piece of reception information transmitted from the program selecting apparatus; and a forwarding unit operable to, after a second user operation has been received, wirelessly transmit to one of the receiving apparatuses, the piece of reception information recorded on the recording medium, and each of the receiving apparatuses includes a program receiving unit operable to, when having received the

piece of reception information from the remote control apparatus, receive a program that based on the piece of reception information (**Control Software (264) in figure 6c**).

However, Knee and Hendricks fail to disclose a detection of the user pushing the operational button as a first user operation having been received and regards a detection of the operational button becoming released after the detection of the user pushing the operational button as a second user operation having been received. Strubbe discloses on (**page 3 paragraph (0029)**) if the activated button is released by the user, the release of the button (4) is immediately noticed by the IR receiver of the control system (22). This shows how a user pushing a button sets an operational state for controlling a secondary device. Moreover, Strubbe also teaches an informing unit operable to, when the piece of reception information is recorded onto said recording medium by the reception information receiving unit, inform the user that the operation button is allowed to be released (**page 4 paragraph (0033) lines 24-28**). In order to cease an application from running, the invention uses a release button to control the apparatus.

Therefore, it would have been obvious at the time of the invention to include the use of an operational pushing button. This is a useful combination because the system is capable of programming a remote control to set a recording in a STB.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable by Hendricks et al (US 7,134,131 B1) in view of Krzyzanowski et al (US 2006/0053447 A1). Hereinafter referred as Hendricks and Krzyzanowski.

Regarding claim 13, Hendricks discloses the program receiving system of claim 12, wherein the reception storing unit receives and stores therein, for each of programs scheduled to be broadcasted (**Scheduling website (106)**, a piece of reception information and a piece of program related information being made up of items related to the program (**Authorization System (179) in figure 11**), and the reception information transmitting unit transmits a piece of program related information that corresponds to the selected program in addition to the piece of reception information (**transmitter (169) in figure 3**), each of the receiving apparatuses further includes: a program recording unit operable to record the program received by the program receiving unit (**Data Storage (189) in figure 14**); an identification information storing unit that pre-stores therein a piece of identification information that shows a type of the receiving apparatus; and an identification information transmitting unit operable to (**Communication Interface (183) in figure 14**), when having received from the remote control apparatus a signal for requesting a piece of identification information, transmit the piece of identification information pre-stored in the identification information storing unit to the remote control apparatus (**Memory Files in figure 18a**), the remote control apparatus further includes a type information storing unit that stores therein, (i) signal format information which indicates, in correspondence with pieces of identification information (**Subscription Confirmation (1056) in figure 17**) for identifying a plurality of types of receiving apparatuses, a plurality of remote control signal formats which are to be used for a purpose of presetting recording of each program and which the plurality of types of receiving apparatuses are capable of receiving respectively (**Program**

Overlay menus (1390 in figure 17) and (ii) utilized item information which indicates, in correspondence with the pieces of identification information (**Information on program (1390) in figure 17**), one or more of the items which are within the pieces of program related information and can be utilized by each of the types of receiving apparatus, and the forwarding unit includes (**Transmitter (169) in figure 3**): an identification information obtaining unit operable to, when the second user operation has been received, transmit, via the transmitting unit, to the receiving apparatus to which the piece of reception information is to be transmitted, a signal for requesting the piece of identification information that identifies a type of the receiving apparatus (**GSP 500 Combiner (706) in figure 21**), and to subsequently receive the piece of identification information from the receiving apparatus; a signal format specifying unit operable to specify a remote control signal format that corresponds to the type of receiving apparatus identified with the received piece of identification information, based on the signal format information (**Network Controller (214) in figure 11**); a utilized item specifying unit operable to specify one or more of the items within the pieces of program related information which can be utilized by the type of receiving apparatus identified with the received piece of identification information (**Authorization System (179) in figure 11**), based on the utilized item information.

However, Hendricks fails to teach an organizing unit operable to extract the one or more specified items out of the pieces of program related information recorded on the recording medium. Krzyzanowski discloses in (**figure 2**) a media player system capable of extract information form various sources such as: media archive, tuner,

cable, cd, dvd, etc and display it on to the media player device (212). Moreover, Krzyzanowski teaches the extracted items and the piece of reception information so as to be in the specified remote control signal format, and transmit the organized items and piece of reception information to the receiving apparatus (**media player device (212) in figure 2**).

Therefore, it would have been obvious at the time of the invention to include the use of an extraction unit capable of acquiring information from different sources. This is a useful combination because a home network system will minimize the amount of media players.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

January 19, 2009